GOVERNMENT OF INDIA
ENVIRONMENT, FORESTS AND CLIMATE CHANGE
LOK SABHA

UNSTARRED QUESTION NO:4336
ANSWERED ON:28.03.2017
Permission for Projects on Forest Land
Ranjan (Pappu Yadav) Shri Rajesh

Will the Minister of ENVIRONMENT, FORESTS AND CLIMATE CHANGE be pleased to state:

(a) whether the Gram Sabha has the power to accept or reject the projects to be taken up on the forest land under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;
(b) if so, whether the Government proposes to end the requirement of taking permission from Gram Sabha for using forest land for big projects and if so, the details of the new law likely to be enacted;
(c) whether the Government proposes to amend the provisions of the aforesaid Act;
(d) whether the Government has any proposal to simply the procedure for projects to be undertaken on forest land and end the provision of consent for acquisition of forest land in the tribal concentrated areas; and
(e) if so, the details thereof?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI ANIL MADHAV DAVE)

(a)Section 5 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA, 2006) empowers, the holders of forest rights, the Gram Sabha and the village level institutions, to protect wildlife, forests, water catchment areas, biodiversity and the cultural and natural heritage of forest dwellers, and to "ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with". FRA 2006 does not provide exemption to any category of projects.

(b)There is no proposal to end the requirement of taking permission from Gram Sabha for using Forest land for big projects.

(c)Ministry of Tribal Affairs (MoTA) has informed that it does not propose to amend the provisions of FRA, 2006.

(d)&(e) The Government has advised all States/UTs on 05.02.2013 that the proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for projects like construction of roads, canals, laying of pipelines/optical fibres and transmission lines, etc. where linear diversion of use of forest land in several villages are involved, are exempted from the requirement of obtaining consent of the concerned Gram Sabha unless recognised rights of Primitive Tribal Groups (PTG) and Pre-Agricultural Communities (PAC) are being affected.

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